IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

Crl.Rev.Pet.No. 2679 of 2007()

CMP.NO. 3777 OF 2006 OF THE J.F.C.M. ATTINGAL

REVN. PETITIONER: COMPLAINANT

SUKUMARI AMMA, D/O BHAVANI AMMA,
PRASANNALAYAM, ELAMBA, AVANAVANCHERRY.

BY ADV. SRI.G.JANARDHANA KURUP (SR.)

RESPONDENTS: RESPONDENTS/ACCUSED

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1. K.S.REMESH BABU,
S/O.KARUNAKARAN NAIR, LEKSHMI SANKER NIVAS,
ANDOORKKONAM, KEEZHAVOOR, THIRUVANANTHAPURAM.

2. REMADEVI, -DO- -DO- -DO-.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Crl.R.P. No. 2679 of 2007

Dated: 8-8-2007

ORDER

The revision petitioner is the complainant in a protest complaint filed as C.M.P. No. 3777 of 2006 on the file of the Judl. First Class Magistrate Court, Attingal alleging offences punishable under Sections 304 (A) and 498 (A) read with Sec. 34 I.P.C. The person shown as accused in the complaint were the husband and sister -in-law of Prasanna the daughter of the complainant. Marriage between Prasanna and Ramesh Babu was on 14-4-1993. On 14-3-1999, that is, within 7 years of the marriage Prassana died in the residential quarters of her husband by hanging.

2. Even though the Attingal police had registered a case as Crime No. 406 of 2000 against the two accused persons and the mother of the first accused, the police after investigation filed a refer charge against the accused resulting in the revision petitioner lodging the protest complaint as above. The counsel who was initially appearing for the revision petitioner was a senior member of the Thiruvananthapuram Bar and he had suddenly passed away resulting in utter chaos with regard to his files and after the death of the said counsel his junior was conducting the case. Eventhough the complaint stated that a witness list was being filed along with the complaint no such witness list appears to have been filed. No documents were also filed along with the complaint except some inadmissible photostat copies along with the complaint which was, therefore, dismissed under Section 203 Cr.P.C. Hence this revision.

3. In as much as the dismissal of the complaint was before

issuing notice to the accused, notice to respondents 1 and 2 is dispensed with.

4. After hearing the learned counsel for the revision petitioner and the learned Public Prosecutor, I am of the view that the revision petitioner/complainant should be given an opportunity to substantiate her complaint. Accordingly, the impugned order is set aside and C.M.P. 3777/06 will stand restored to file. The court below shall give the revision petitioner an opportunity to file the list of documents and a witness schedule and then proceed with the case in accordance with law.

V. RAMKUMAR, JUDGE.

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